

IN RE: PETITION FOR ZONING VARIANCE
W/S Bird River Beach Road,
604' W of Crooks Road
(960 Bird River Beach Road)
15th Election District
6th Councilmanic District
Brian E. Helbing, et ux
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 92-60-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Section 1A01.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 45 feet to the street centerline in lieu of the required 75 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners originally requested the instant relief through the administrative variance process. Following a review of the case file and documentation submitted, a hearing was requested by the Zoning Commissioner to determine the appropriateness of the variance requested.

The Petitioners, by Brian E. Helbing, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 960 Bird River Beach Road, consists of 2.29 acres more or less zoned R.C. 2 and is improved with a single family dwelling, screen porch and detached garage. Said property is located within the Chesapeake Bay Critical areas near Bird River. Petitioners are desirous of constructing a two-story addition on the south side of the existing dwelling to enlarge and expand the first floor living quarters and enlarge the master bedroom located on the second floor. Testimony indicated the relief requested is necessary due to the location of the existing dwelling on the subject property. Specifically, the north side of the dwelling is near the side yard property line and an

existing septic system to the rear of the dwelling prevents the placement of the proposed addition at this location. The Petitioner testified the subject dwelling will remain a single family dwelling in that the proposed addition will not add a separate apartment, but only increase the living area for this one family dwelling. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based

upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 4th day of November, 1991 that the Petition for Zoning Variance from Section 1A01.3.A.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a setback of 45 feet to the street centerline in lieu of the required 75 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioners shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The subject dwelling shall contain only one kitchen.
- 3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated September 17, 1991, attached hereto and made a part hereof.

LES:bjs

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 1A01.3.A.3 - to allow a setback of 45' to the street center in lieu of the required 75'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason (indicate hardship or practical difficulty):
(1) Due to septic & well and electric services from the back, it would be a hardship to relocate these installations.
(2) Due to interior floor plan, expansion of living room and kitchen and second floor bedroom can be best located on south side of house.
(3) Due to property lines and road that turns in front of house, this is the only logical location.
Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

(Type or Print Name)

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

Phone

ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of November, 1991, that the subject matter of this petition be posted on the property on or before the 4th day of November, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 4th day of November, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County.



REVIEWED BY: DATE:

ZONING COMMISSIONER OF BALTIMORE COUNTY

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

92-60-A
The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 960 Bird River Beach Road, Baltimore, Maryland 21220-1209 (Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

(1) Due to septic & well and electric services from the back, it would be a hardship to relocate these installations; (2) Due to interior floor plan, expansion of living room and kitchen and second floor bedroom can be best located on south side of house; (3) Due to property lines and road that turns in front of house, this is the only logical location.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reposting and advertising fee and may be required to provide additional information.

Affiant (Handwritten Signature)

Affiant (Printed Name)

Affiant (Printed Name)

Affiant (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2nd day of August, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared Brian E. Helbing & Debbie Ann Helbing

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in the form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

8-2-91

DATE

NOTARY PUBLIC

My Commission Expires: July 11, 1994

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

November 4, 1991

Mr. & Mrs. Brian E. Helbing
960 Bird River Beach Road
Baltimore, Maryland 21220-1209

RE: PETITION FOR ZONING VARIANCE
W/S Bird River Beach Road, 604' W of Crooks Road
(960 Bird River Beach Road)
15th Election District - 6th Councilmanic District
Brian E. Helbing, et ux - Petitioners
Case No. 92-60-A

Dear Mr. & Mrs. Helbing:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT

Zoning Commissioner

for Baltimore County

LES:bjs

cc: Chesapeake Bay Critical Areas Commission
Taxes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

ZONING DESCRIPTION

Beginning at a point on the western most side of Crooks Road (now Bird River Beach Road) which is 40 feet wide at a distance of 604 feet North 71° 42'E of the centerline of the nearest improved intersecting street being Landing Ave (now Crooks Road) which is 50 feet wide.

*As recorded in Deed Liber 7893, Folio 787, beginning being at end of the South 71° 42'W 15.58 feet line, South 3° 41'W 120.8 feet, South 15° 42'E 143.6 feet, South 74° 18'W 272 feet, North 19° 59'W 170.2 feet, North 19° 59'W 139 feet, North 73° 8'E 369.1 feet, South 0° 53'W 66 feet, South 71° 15'W 15.58 feet to the place of the beginning containing 2.29 acres plus or minus in lot.

Saving and excepting the following described parcel of ground which was conveyed by Catherine Porter to Evelyn Porter September 4, 1991 and recorded in the Baltimore County Land Records in Liber 2011, Folio 10 beginning South 0° 53'W 66 feet line, South 73° 8'W 23.5 feet, South 16° 52'E 14 feet, North 73° 8'W 19 feet, North 0° 53'E 14.7 feet to the place of beginning.

The property is presently known as 960 BIRD RIVER BEACH ROAD and is located in the 15th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 10/17/91

Posted for: Variance

Petitioner: Brian Edward Helbing et ux

Location of property: W/S Bird River Beach Rd., 604' W of Crooks Rd.

960 Bird River Beach Rd.

Location of Sign: Along Bird River Beach Rd. across P.C.

roadway on property of Helbing

Remarks: _____

Posted by: L. Schmidt Date of return: 10/17/91

Number of Signs: 1

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 15th Date of Posting: 9/29/91

Posted for: Variance

Petitioner: Brian Edward Helbing et ux

Location of property: W/S Bird River Beach Rd., 604' W of Crooks Rd.

960 Bird River Beach Rd.

Location of Sign: Along Bird River Beach Rd. across P.C.

roadway on property of Helbing

Remarks: _____

Posted by: L. Schmidt Date of return: 9/30/91

Number of Signs: 1

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

SEPTEMBER 23, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 116, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 92-60-A
W/S Bird River Beach Road, 604' W of Crooks Road
960 Bird River Beach Road
15th Election District - 6th Councilmanic
Petitioner(s): Brian Edward Helbing, et ux
HEARING: WEDNESDAY, OCTOBER 30, 1991 at 2:00 p.m.

Variance to allow a setback of 45 ft. to the street center in lieu of the required 75 ft.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

cc: Brian and Debra Helbing

CERTIFICATE OF PUBLICATION
Office of
THE AVENUE NEWS

442 Eastern Blvd.
Baltimore, MD 21221

October 3, 19 91

THIS IS TO CERTIFY, that the annexed advertisement of
Brian Helbing in the matter of Zoning Hearing
of 960 Bird River Rd. Case # 92-60-A, P.O. #0115254
Req # 169744, 52.5 lines @.60 or \$31.50

was inserted in **The Avenue News** a weekly newspaper published in
Baltimore County, Maryland once a week for 1 successive week(s)
before the 4 day of October 19 91; that is to say, the
same was inserted in the issues of October 3 19 91.

The Avenue Inc.
per publisher
By Debra Helbing

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 116, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-60-A
W/S Bird River Beach Road, 604' W of Crooks Road
960 Bird River Beach Road
15th Election District - 6th Councilmanic
Petitioner(s): Brian Edward Helbing, et ux
HEARING: WEDNESDAY, OCTOBER 30, 1991 at 2:00 P.M.
Variance to allow a setback of 45 ft. to the street center in lieu of the required 75 ft.
Lawrence E. Schmidt
Zoning Commissioner of Baltimore County

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/3 19 91

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on 10/3 19 91

THE JEFFERSONIAN,
S. Zabe Orlov
Publisher

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 116, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-60-A
W/S Bird River Beach Road, 604' W of Crooks Road
960 Bird River Beach Road
15th Election District - 6th Councilmanic
Petitioner(s): Brian Edward Helbing, et ux
HEARING: WEDNESDAY, OCTOBER 30, 1991 at 2:00 p.m.
Variance to allow a setback of 45 ft. to the street center in lieu of the required 75 ft.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
10/28/91 October 3

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

September 4, 1991

Mr. & Mrs. Brian E. Helbing
960 Bird River Beach Road
Baltimore, MD 21220-1209

RE: Item No. 53, Case No. 92-60-A
Petitioner: Brian E. Helbing
Petition for Residential Variance

Dear Mr. & Mrs. Helbing:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: _____

CRITICAL AREA

Account: R-001-6150
Number: _____

04A04W0016M1CHRC
BA C002+50PM08-05-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date: _____

92-60

Account: R-001-6150
Number: _____

04A04W0016M1CHRC
BA C002+50PM08-05-91
Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

DATE: 10-8-91

COPY

Brian and Debra Helbing
960 Bird River Beach Road
Baltimore MD 21220-1209

RE:
CASE NUMBER: 92-60-A
W/S Bird River Beach Road, 604' W of Crooks Road
960 Bird River Beach Road
15th Election District - 6th Councilmanic
Petitioner(s): Brian Edward Helbing, et ux
HEARING: WEDNESDAY, OCTOBER 30, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$ 31.50 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID ALSO. THE ZONING SIGN & POST SET(S) MUST BE RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 116, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmidt
Lawrence E. Schmidt
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
9th day of August, 1991.

Arnold Jablon
ARNOLD JABLON
DIRECTOR

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Brian E. Helbing, et ux
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

August 23, 1991

TO: Arnold Jablon, Director
Zoning Administration and Development Management

FROM: DIVISION OF GROUND WATER MANAGEMENT

SUBJECT: Zoning Item #53, Zoning Advisory Committee Meeting of August 27, 1991, Brian Helbing, et ux, W/S Bird River, 604' W of Crooks Road, (#960 Bird River Beach Road), D-15, Private Water and Sewer

COMMENTS ARE AS FOLLOWS:

The existing septic system must be able to handle any additional waste water loading created by the proposed addition.

SSF:rmf
532NG/GWRMP

RECEIVED
AUG 26 1991
ZONING OFFICE

9-15 92-60
BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE
September 27, 1991
TO: ZONING COMMISSIONER, DEPARTMENT ZONING
FROM: RICHARD F. SEIM, PLANS REVIEW CHIEF,
DEPARTMENT OF PERMITS & LICENSES
SUBJECT: ZONING ITEM #: 53
PROPERTY OWNER: Brian Edward Helbing, et ux
LOCATION: W/S Bird River, 604' W of Crooks Road (#960 Bird
River Beach Road)
ELECTION DISTRICT: 15th
COUNCILMANIC DISTRICT: 16th

RECEIVED
OCT 1 1991
ZONING OFFICE

A REVIEW OF THE SITE PLAN FOR THE ABOVE ZONING ITEM INDICATES THE FOLLOWING:

- () PROPOSED SITE PLAN DOES, DOES NOT, COMPLY TO STATE CODE OF MARYLAND REGULATION 05.02.02, MARYLAND BUILDING CODE FOR THE HANDICAPPED.
- () PARKING LOCATION () RAMPS (degree slope)
- () NUMBER PARKING SPACES () CURB CUTS
- () BUILDING ACCESS () SIGNAGE
- () PLAN DOES, DOES NOT COMPLY TO SET BACKS FOR EXTERIOR FIRE SEPARATION DISTANCE OF ARTICLE 5 AND ARTICLE 9 OF THE CURRENT BALTIMORE COUNTY BUILDING CODE.
- (X) A BUILDING PERMIT IS REQUIRED BEFORE ANY CONSTRUCTION CAN BEGIN. SECTION 111.1 OF ARTICLE 1. CONSTRUCTION DRAWINGS MAY BE REQUIRED.
- () A CHANGE OF OCCUPANCY PERMIT IS REQUIRED TO CHANGE THE EXISTING USE OF THE STRUCTURE TO THE PROPOSED USE. SEE ARTICLE THREE AND ARTICLE ONE, SECTION 103.2 ALTERATIONS MAY BE NECESSARY BY CODE TO COMPLY TO NEW USE REQUIREMENTS.
- (X) STRUCTURE IS SUBJECT TO FLOOD PLAIN LIMITATIONS. SECTION 517.0 COUNCIL BILL #192-90 (BALTIMORE COUNTY BUILDING CODE).
- () OTHER -

PERMITS MAY BE APPLIED FOR @ ROOM 100, 111 WEST CHESAPEAKE AVENUE, TOWSON, MARYLAND 21204 - PHONE - 887-3900.

THIS REVIEW COVERS ONLY MAJOR ITEMS ASSOCIATED WITH THE SITE PLAN. A FULL REVIEW MAY BE CONDUCTED WHEN THE PERMIT APPLICATION AND PLANS ARE SUBMITTED.
APPLICABLE CODE: 1990 NATIONAL BUILDING CODES AS ADOPTED BY COUNTY COUNCIL BILL #192-90 EFFECTIVE 1/13/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND
DATE: October 3, 1991
TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments
Z.A.C. MEETING DATE: August 27, 1991

This office has no comments for item numbers 53, 64, 65, 66, 67, 68, 69, 70, 71, 74, 75, 76, 77, 78, 79 and 80.

Rahee J. Famili
Traffic Engineer II

RJF/lvd

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management
DATE: September 13, 1991
FROM: Pat Keller, Deputy Director
Office of Planning and Zoning
SUBJECT: HELBING Property, Item No. 53
Smith Property, Item No. 64
McClure Property, Item No. 65
Boehnlein Property, Item No. 66
Marx Property, Item No. 68
Buile Property, Item No. 69
Pulaski Property, Item No. 70
Wollschlager Property, Item No. 72
Bray Property, Item No. 74
Graves Property, Item No. 75
Sylvia Property, Item No. 76
Long Property, Item No. 78
Pearl Property, Item No. 79
Casey Property, Item No. 80
Edwards Property, Item No. 81
Tyson Property, Item No. 85
Skidmore Property, Item No. 88
Williams Property, Item No. 89
Restivo Property, Item No. 90
Didier Property, Item No. 97
Wesolowski Property, Item No. 102
Griffin Property, Item No. 103
Burgwin Property, Item No. 104
Ghent Property, Item No. 110
Lingg Property, Item No. 111
Bates Property, Item No. 112
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn

ITEM47/TXTROZ

Baltimore County Government
Fire Department
700 East Joppa Road Suite 901
Towson, MD 21204-5500
SEPTEMBER 16, 1991
(301) 887-4500

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: BRIAN EDWARD HELBING
Location: #960 BIRD RIVER BEACH ROAD
Item No.: 53 Zoning Agenda: AUGUST 27, 1991

Centlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: [Signature] Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JP/KEK

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: September 17, 1991
FROM: Mr. J. James Dieter, Director
SUBJECT: Petition for Zoning Variance - Item 53
Helbing Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 960 Bird River Beach Road. Approximately 0.9 acres of this 2.2 acre site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME: Brian and Debra A. Helbing

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.A.3 of the Baltimore County Zoning Regulations to permit a setback of 45 feet to the street center in lieu of the required 75 feet.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

RECEIVED
SEP 24 1991

ZONING OFFICE

Memo to Mr. J. Robert Haines
September 17, 1991
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination" <Baltimore County Code Sec. 22-98>
Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site.
2. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.
Finding: No tidal waters, tidal wetlands, or tributary streams were found on this site or within 100 feet of this site.
3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.
Finding: The sum of all man-made impervious areas shall not exceed approximately 5,800 square feet for the portion of the property inside the Critical Area. This includes all building structures, paved and crusher run driveways and parking pads, swimming pools, or any other impervious surface. With the proposed addition, the area of impervious surface within the Critical Area will equal approximately 3800 square feet, therefore, the sum of all man-made impervious areas shall not exceed 15% of the lot within the Chesapeake Bay Critical Area.
4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.
Finding: The site currently contains at least 15% tree cover within the Chesapeake Bay Critical Area.
Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flows of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorus associated with them.
5. Regulation: "Infiltration of <stormwater shall be> maximized throughout the site, rather than directing flow to single discharge points" <Baltimore County Code, Section 22-217(h)(2)>.

Memo to Mr. J. Robert Haines
September 17, 1991
Page 3

Finding:

- a. Stormwater runoff shall be directed from impervious surfaces to pervious areas to encourage maximum infiltration.
- b. Rooftop runoff shall be directed through downspouts and into a seepage pit or Dutch drain to encourage maximum infiltration (see attached information).

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above. This proposal does comply with Chesapeake Bay Critical Area Regulations, and is therefore approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

JJD:DCF:ju
Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mr. and Mrs. Brian Helbing

HELBING/TXTN55

9-15-91 92-60

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE
TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: September 17, 1991
FROM: Mr. J. James Dieter, Director
SUBJECT: Petition for Zoning Variance - Item 53
Helbing Property
Chesapeake Bay Critical Area Findings
SITE LOCATION
The subject property is located at 960 Bird River Beach Road. Approximately 0.9 acres of this 2.2 acre site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).
APPLICANT'S NAME: Brian and Debra A. Helbing
APPLICANT PROPOSAL
The applicant has requested a variance from section 1A01.3.A.3 of the Baltimore County Zoning Regulations to permit a setback of 45 feet to the street center in lieu of the required 75 feet.
GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM
In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:
1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.0>

C A S E N U M B E R

PETITIONER'S EXHIBIT #

CRITICAL AREA

July 28, 1991

**Zoning Commissioner
Baltimore County Zoning Office
111 W. Chesapeake Ave.
Room 113
Towson Maryland 21204**

Dear Sir:

We the undersigned persons, have discussed with Brian E. Helbing of 960 Bird River Beach Road his plans to build an addition to his house. We realize that it does not meet Baltimore County set back standards for RC-2 Zoning. We also realize that he is applying to your office for a zoning variance so that he may continue with his plans to build his addition. We feel that it will not have any negative effects on our community. We support Mr Helbing in his application for the variance he needs.

with C. C. Hardy
955, Riverside Beach 11/6

William L. Gresham
966 Euclid Road, Long Beach

Anna Beaudt
940 Burl River Bend Rd.

Joseph C. Kinsie
172 Main Street, Concord, N.H.

- Philip J. Fraley
946 Bird River Beach Rd

David L. Stewart
7625 Ballpark Beach Rd

53

C A S E N U M B E R

92-60-A

PETITIONER'S EXHIBIT #



CASE NUMBER

92-60-A

PETITIONER'S EXHIBIT #



Basement Floor Plan

At the present time nothing is planned for this area. The reason it is there is because after digging for footers for the addition would give me an approximate 6 foot crawl space. It seems so easy to dig it out now then 5-10 yrs from now if we decided to use it (also alot cheaper). Future ~~was~~ uses may include something like Work Shop, Pool room, Family room.

First Floor Plan

You can see that the addition will accommodate a new kitchen, Mudroom, + living room ^{off} ^{the} ^{main} floor. The old kitchen will be expanded into the dining room. The old living room will be a study. One ~~room~~ ^{room} will stay the same and the other will be a sewing room.

Second Floor Plan

Because of the shape of the roof, only one room will be added to the main floor, It will be a master bedroom for my wife & I.

Sections

Front Elevation

Rear Elevation

Left Elevation

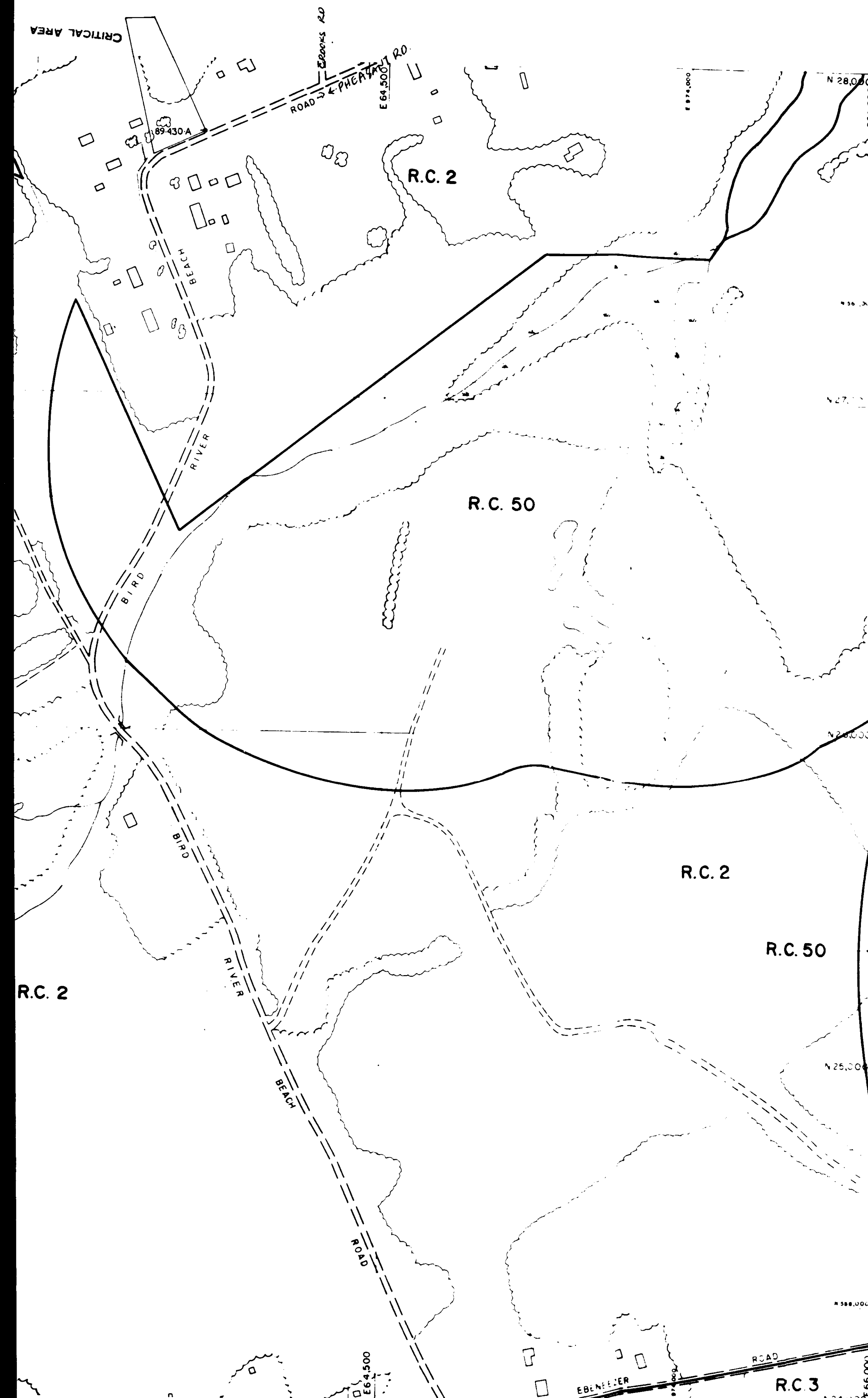
Right Elevation



RE COUNTY
NING AND ZONING
APHIC MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BIRD RIVER VICINITY	N.E. 7-K
DATE OF PHOTOGRAPHY JANUARY 1986		

53



TY
D ZONING
G MAP

SCALE	LOCATION	SHEET
1" = 200' ±	BIRD RIVER VICINITY	N.E. 7-K
DATE OF PHOTOGRAPHY JANUARY 1986		

53